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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of



**DECISION**  
Case #: MGE - 206864

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on November 15, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on December 7, 2022, by telephone.

The issue for determination is whether

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:



Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: Shanay Neal

Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

## **FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for FoodShare and MA benefits on November 10, 2022.
3. The case was pended for verification for identity, Wisconsin residency and immigration/registration status. A notice of verification needed was mailed to petitioner on November 11, 2022, which specified a due date of December 12, 2022.
4. Due to problems reviewing some verification documents received November 10, 2022 and November 15, 2022, the respondent contacted petitioner, with an interpreter. At that time, the respondent noted the difficulties with reviewing some of the submitted documentation, and informed petitioner that his benefits eligibility was still being processed.
5. The respondent verified that petitioner arrived in the United States on October 17, 2022, and was paroled until December 12, 2022.
6. The respondent issued no decision on petitioner's benefits application prior to the date of the petitioner's December 7, 2022 appeal.

## **DISCUSSION**

There is no adverse action in this matter that would allow the Division of Hearings and Appeals to address petitioner's energy assistance appeal, I note to petitioner that the Wisconsin Home Energy Assistance Program (WHEAP) assists eligible households with their heating and electric bills. As the agency's website states:

It is funded by the Low Income Home Energy Assistance Program (LIHEAP) and the Public Benefits (PB) program. The two basic parts of energy assistance are regular benefits and crisis assistance. In addition, a furnace services program is operated under WHEAP. WHEAP benefits are not guaranteed to eligible households. When funds have been exhausted for a program year, there are no benefits issued to households regardless of eligibility.

### Low Income Home Energy Assistance Program

The Low Income Home Energy Assistance Program (LIHEAP) is funded by the federal government and focuses primarily on heating assistance for low-income households.

### Public Benefits

The Public Benefits (PB) program is funded by fees collected by electric utilities and provides benefits for non-heating electric use. It was created in 1999 as a part of Wisconsin's biennial budget bill and operates a low-income fund into which electric providers in the state contribute an amount primarily generated by a fee added to customers' electric bills. The money in this fund is divided between the energy assistance program and the Weatherization Assistance Program.

The law that established the PB program permits cooperative and municipal utilities to operate a Commitment to Community Program instead of participating in the state PB fund. Customers of utilities choosing to operate a Commitment to Community Program are not eligible for benefits from the state's PB programs (under energy assistance or Weatherization).

<https://energyandhousing.wi.gov/Pages/AgencyResources/energy-assistance.aspx>.

Nothing in this Decision precludes petitioner from continuing to pursue his pending application; the foregoing information is provided for informational purposes only.

### **CONCLUSIONS OF LAW**

As the respondent has not completed its review nor made a final determination regarding petitioner's energy assistance eligibility, there is no issue ripe for determination by the Division of Hearings and Appeals at this time.

**THEREFORE, it is ORDERED**

That petitioner's appeal is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5<sup>th</sup> Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

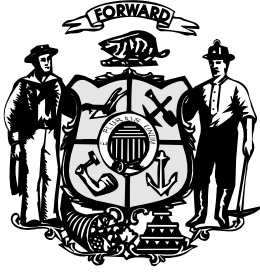
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 12th day of January, 2023



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Peter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 12, 2023.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability